

FILED

FEB 23 2016

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Case No. 1:98-cr-5116

Plaintiff,

v.

**JASON LEVI GARZA, a.k.a. JASON
MILLER,**

Defendant.

**ORDER CLAIRIFYING THAT THE
FDIC IS RECEIVER FOR HOME
SAVINGS OF AMERICA FOR
PURPOSES OF RECEIVING
RESTITUTION**

Defendant Jason Levi Garza pled guilty to one count of armed bank robbery and aiding and abetting on August 17, 1998. Doc. 22. Restitution was ordered in the amount of \$9,192.00 to be paid to Home Savings of America (FDIC # 15919. Docs. 36, 37 at 5. Home Savings of America merged into Washington Mutual Bank (FDIC # 32633) on October 3, 1998.¹ On September 25, 2008, Washington Mutual Bank failed and the Federal Deposit Insurance Corporation ("FDIC") was appointed Receiver.² As Receiver, the FDIC may collect all obligations and money due the institution. 12 U.S.C. 1821(d)(2)(b)(ii). A majority of Washington Mutual's assets and liabilities were transferred to JPMorgan Chase Bank. *Id.* However, the purchase agreement between the FDIC as Receiver and JPMorgan as purchaser

¹See Home Savings Bank Detail Page, accessible at <https://research.fdic.gov/bankfind/detail.html?bank=15919&name=Home%20Savings%20of%20America,%20FSB&searchName=&searchFdic=15919&city=&state=&zip=&address=&searchWithin=&activeFlag=&tabId=2> last accessed Feb. 23, 2016.

²See WAMU Failed Bank Statement, accessible at https://www.fdic.gov/bank/individual/failed/wamu_settlement.html last accessed Feb. 23, 2016.

1 specifically excluded “any criminal restitution orders issued in favor of [Washington Mutual or
2 its predecessors in interest]” from the purchase agreement.³ The restitution ordered to be paid in
3 the above-referenced case number is due to the FDIC as receiver for Washington Mutual Bank.

4 Based on the foregoing, IT IS HEREBY ORDERED that:

- 5 1. The Clerk of the Court is respectfully directed to forward any collected but
6 undistributed restitution and any future restitution payments made in reference to
7 this case to the FDIC as Receiver for Washington Mutual Bank;
- 8 2. The \$75.00 in restitution being held as unclaimed funds in relation to this case is
9 to be paid to the FDIC as Receiver for Washington Mutual Bank.

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11 IT IS SO ORDERED.

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13 Dated: 2/23/16


14 SENIOR DISTRICT JUDGE

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28 ³WAMU Purchase and Assumption Agreement, Schedule 3.5, accessible at https://www.fdic.gov/about/freedom/Washington_Mutual_P_and_A.pdf last accessed Feb. 23, 2016.